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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,117	12/13/2000	Michael Albert Haase	56217USA9A.002	3672

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EXAMINER	
WARD, JOHN A	

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,117	HAASE, MICHAEL ALBERT	
	Examiner	Art Unit	
	John A. Ward	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

Prosecution on the merits of this application is reopened on claims 1-24 are considered unpatentable for the reasons indicated below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Krietzman (US 6,000,813).

Regarding claim 2, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 5, column 3, lines 26-31 that no more then one-laser diode may be actuated at any one time.

Claims 3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Krietzman (US 6,000,813).

Regarding claim 3, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 6, column 3, lines 26-31 that no more then one-laser diode may be actuated at any one time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 7, 10, 13, 16, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813)

Regarding claim 1, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 4, column 3, lines 26-31 that no more then one-laser diode may be actuated at any one time.

Regarding claim 7, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 10, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 13, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it

has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 1, and 24, Krietzman does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Regarding claims 16 and 20, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Claims 8, 11, 14, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813).

Regarding claim 8, 11, 14, 17, 21 and 22 Krietzman discloses all the limitations of the claimed invention including a laser pointer having a plurality of laser elements emitting light at different frequencies.

Regarding claim 8, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 11, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 14, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claims 17 and 21, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 22, Krietzman does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Claims 9, 12, 15, 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813).

Regarding claim 9, 12, 15, 18, 19 and 23 Krietzman discloses all the limitations of the claimed invention including a laser pointer having a plurality of laser elements emitting light at different frequencies.

Regarding claim 9, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 12, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 15, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claims 18 and 19, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 23, Krietzman does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated

problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Response to Arguments

Applicant's arguments filed January 30, 2004 have been fully considered but they are not persuasive.

Regarding claims 2 and 3, page 2 of the argument under the 102 (e) rejection of Krietzman ('813) stating that Krietzman fails to specifically teach or suggest a device comprising a plurality of visible-light laser elements capable of emitting beams at different frequencies is incorrect for the following reasons.

Referring to column 2, lines 30-34 of Krietzman does teach and suggest that the object of the invention is to provide a plurality (one or more) of selectable (selecting from one or another) illumination sources including multiple laser emitting sources producing output of different wavelengths of visible and non visible light.

Regarding claim 5 and 6, the argument that Krietzman does not purported disclosure of a device wherein no more than one laser diode may be actuated at one time is incorrect since the prior art of Krietzman teaches in column 3, lines 27-32 teaches that the laser emitting diodes may emit both visible and non visible spectrum with varied wavelengths in the same housing.

Regarding claims 4 and 7-21, pages 2 and 3 of the argument under the 103(a) rejection that Krietzman fails to teach or suggest a device wherein no more than one laser diode (collimated beam) may be actuated at any one time is clearly taught and

suggested as cited in column 3, lines 30-32 of Krietzman which suggest that the laser diodes can have a varied wavelengths mounted within the housing.

The examiner further refers the applicant to column 3; lines 27-49 that teach and suggest that the embodiment is a laser-emitting source (collimated beams) can be used for visible and non-visible light at different wavelengths.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW AU 2875
September 2, 2004

JOHN ANTHONY WARD
PRIMARY EXAMINER